

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 4:07cr3148 |
| v. |) | |
| |) | |
| MICHAEL B. YODER and |) | |
| GUSTAVO A. AVALOS, |) | ORDER |
| |) | |
| Defendant. |) | |

IT IS ORDERED:

1. The motion of defendant Avalos for extension of time to file pretrial motions, filing 40, is granted in part and the deadline for filing any additional pretrial motions is extended to February 15, 2008.

2. The hearing on defendant Yoder's motion to suppress, filing 34, previously set for January 23, 2008, is continued and will be held jointly with an evidentiary hearing on the motion to suppress filed by defendant Avalos, filing 38, before the undersigned on February 27, 2008 beginning at 1:00 p.m. in Courtroom #2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Based on the defendants' requests, the court has set aside four hours for this hearing.

3. The defendants, defendants' counsel, and counsel for the government shall be present at this hearing.

4. Pursuant to NECrimR 12.5, copies of all exhibits expected to be offered into evidence during the hearing, except those to be used for impeachment only, shall be delivered to the chambers of the undersigned at least twenty-four (24) hours before the hearing and, at the outset of the hearing, to the extent reasonably possible, the parties shall provide the undersigned and the courtroom deputy with a written list of all witnesses the parties expect to call.

5. As to both defendants, the trial of this case is continued until further order of the court following resolution of outstanding motions.

Dated January 17, 2008

BY THE COURT

s/ *David L. Piester*

David L. Piester

United States Magistrate Judge